

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

Donald Giza,
Debtor.

Case No. 20-30233-jda
Chapter 7
Hon. Joel D. Applebaum

**ORDER (I) AUTHORIZING THE TRUSTEE TO RETAIN
BK GLOBAL REAL ESTATE SERVICES AND AUCTION.COM TO MARKET AND
CONDUCT ONLINE SALES PURSUANT TO 11 U.S.C. § 327 AND (II) AUTHORIZING
THE TRUSTEE TO RETAIN 3 TIER REAL ESTATE, LLC AS LISTING AGENT
PURSUANT TO 11 U.S.C. § 327**

This matter having come before the Court upon the Notice and Application of Collene K. Corcoran, the Trustee in the above-captioned case (“Trustee”), to (I) *Retain BK Global Real Estate Services (“BKGRES”) and Auction.com (“ADC”) pursuant to 11 U.S.C. § 327* and (II) *Retain 3 Tier Real Estate, LLC as Trustee’s Listing Agent pursuant to 11 U.S.C. § 327* (“Application”), and the Court, having reviewed and considered the Application, and Affidavits of Disinterestedness, and having found good and sufficient cause appearing therefore and the same to be in the best interest of Debtor and the creditors;

IT IS ORDERED that:

1. The Application is hereby APPROVED, as modified herein.
2. The Trustee is authorized to retain BKGRES and ADC to market and conduct an Online Sale of the Property in the Debtor’s Chapter 7 case pursuant to Sections 327 of the Bankruptcy Code, and Bankruptcy Rules 2014 and 2016, in accordance with the terms and conditions set forth in the Application and this Order. BKGRES and ADC shall not split or otherwise share their fees with any other person or entity.
3. BKGRES and ADC is each a disinterested person within the meaning of Bankruptcy Code Section 101(14).

4. BKGRES and ADC shall be compensated in accordance with the Application and such compensation shall not hereafter be subject to challenge except under the standard of review set forth in Section 330 of the Bankruptcy Code.

5. BKGRES and ADC shall be authorized to receive and retain the Agent's Commission at the successful closing of the sale of the Property to a third party without necessity of further order of the Court and ADC shall be authorized to receive and retain the Buyer's Premium at the successful closing of the sale of the Property to a third party without necessity of further order of the Court. The estate shall, in no circumstance, be obligated to directly compensate BKGRES or ADC.

6. All fees awarded to the professional(s) for the Trustee are subject to the approval of the Court under 11 U.S.C. §§ 330 and 331.

7. The Trustee is authorized to retain the Listing Agent to facilitate open houses, showings, and communications with potential purchasers of the Property in the Debtor's Chapter 7 case pursuant to Sections 327 of the Bankruptcy Code, and Bankruptcy Rules 2014 and 2016, in accordance with the terms and conditions set forth in the Listing Agreement and this Order.

8. The Listing Agent is a disinterested person within the meaning of Bankruptcy Code Section 101(14).

9. The Listing Agent shall be compensated in accordance with the Listing Agreement and such compensation shall not hereafter be subject to challenge except under the standard of review set forth in Section 330 of the Bankruptcy Code.

10. The Listing Agent shall be authorized to receive and retain the Commission at the successful closing of the sale of the Property to a third party without necessity of further order of the Court. The estate shall, in no circumstance, be obligated to directly compensate the Listing Agent.

11. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Signed on June 24, 2020



/s/ Joel D. Applebaum

**Joel D. Applebaum
United States Bankruptcy Judge**